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6 Attorneys for Defendant EMC Mortgage Corporation;
Citibank, N.A., as Trustee for the Certificateholders
7 of Structured Asset Mortgage Investments II, Inc.,
Bear Stearns ALT-A Trust, Mortgage Pass-Through
8 Certificates, Series 2007-2

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 LISA D. VONDELLEN, a single woman,

12 Plaintiff,

13 v.

14 EMC MORTGAGE CORPORATION;
15 QUALITY LOAN SERVICE CORP.;
ARTISAN MORTGAGE; EMPIRE
16 TITLE COMPANY; CITIBANK, N.A., as
Trustee for the Certificateholders of
17 Structured Asset Mortgage Investments II,
Inc., Bear Stearns ALT-A Trust, Mortgage
18 Pass-Through Certificates, Series 2007-2;
JOHN DOES 1-1000; JANE DOES 1-
19 1000; ABC CORPORATIONS I-XX;
AND XYZ PARTNERSHIPS I-XX,

20 Defendants.

No. _____

NOTICE OF REMOVAL

(From Maricopa County Superior Court Case
No. CV2009-021424)

21 Defendants EMC Mortgage Corporation and Citibank, N.A., as Trustee for the
22 Certificateholders of Structured Asset Mortgage Investments II, Inc., Bear Stearns ALT-A
23 Trust, Mortgage Pass-Through Certificates, Series 2007-2, (collectively, the "Removing
24 Defendants") file this Notice of Removal to the United States District Court for the District of
25 Arizona and would show unto this Court as follows:
26

1 The Removing Defendants are defendants in a civil action filed by Plaintiff on July 1,
2 2009 in the Superior Court of Maricopa County, Arizona, Case No. CV2009-021424. The
3 original complaint was served on the Removing Defendants on July 6, 2009. This Notice of
4 Removal is thus filed in the United States District Court for the District of Arizona within the
5 time allowed by law for removal of civil actions. *See* 28 U.S.C. § 1446. Undersigned counsel
6 verifies that the documents attached hereto as Exhibit "1" constitute all of the process and
7 pleadings served in this action to date.¹ A copy of this Notice of Removal has been filed with
8 the Clerk of the Superior Court of Maricopa County, Arizona.

9 Plaintiff's complaint seeks damages and injunctive relief against the Removing
10 Defendants for alleged wrongdoing with regard to the Plaintiff's mortgage loan under the
11 following theories: Violations of the Truth in Lending Act, 15 U.S.C. §§ 1601, *et seq.*, and
12 Regulation Z, 12 C.F.R. §§ 226, *et. seq.* ("TILA"); Violations of the Real Estate Settlement
13 Procedures Act, 12 U.S.C. §§ 2601, *et. seq.* ("RESPA"); Violations of the Home Ownership
14 Equity Protection Act, 15 U.S.C. §§ 1639, *et seq.* ("HOEPA"); Violations of the Fair Debt
15 Collection Practices Act, 15 U.S.C. §§ 1692 *et seq.*; A.R.S. §§ 33-412 and 33-420; U.C.C.;
16 fraud, RICO, unjust enrichment, conversion, slander of title, quiet title, breach of fiduciary
17 duty, and the Arizona Consumer Fraud Act, A.R.S. §§ 44-1521, *et seq.*

18 The state court action is a removable civil action under 28 U.S.C. § 1441. The
19 complaint asserts numerous claims that raise questions under federal law. Thus, this Court has
20 original jurisdiction over this action pursuant to 28 U.S.C. § 1331. The Court has jurisdiction
21 over Plaintiff's remaining state law claims under 28 U.S.C. §§ 1367 and 1441(c). This action
22 is removable to this Court pursuant to 28 U.S.C. § 1441(a) because this action could have been
23 originally brought in this Court.

24
25
26 ¹ Exhibit 1 has not been attached to the Superior Court's copy of this notice.

1 The defendants named who are not part of the Removing Defendants are Quality Loan
2 Service Corp. ("QLS"), Artisan Mortgage, and Empire Title Company. QLS and Empire Title
3 have been or are being dismissed. Undersigned counsel has attempted to get Artisan
4 Mortgage's position on removal, but has not received a response on the issue.

5 A true copy of this Notice of Removal has been filed with the Clerk of the Superior
6 Court of Maricopa County, Arizona, as required by 28 U.S.C. § 1446(d).

7 DATED this 5th day of August, 2009.

8 **MAYNARD CRONIN ERICKSON**
9 **CURRAN & SPARKS, P.L.C.**

By /s/Douglas C. Erickson

10 Douglas C. Erickson
11 Jennifer A. Sparks
12 3200 North Central Avenue, Ste. 1800
13 Phoenix, Arizona 85012-2443
14 Attorneys for Defendant EMC Mortgage
15 Corporation; Citibank, N.A., as Trustee
16 for the Certificateholders of Structured
17 Asset Mortgage Investments II, Inc., Bear
18 Stearns ALT-A Trust, Mortgage Pass-
19 Through Certificates, Series 2007-2

20 **ORIGINAL** of the foregoing e-filed this 5th day of August, 2009, with:

21 Clerk of the Court
22 United States District Court
23 401 W. Jefferson
24 Phoenix, AZ 85003

25 **COPY** of the foregoing delivered this 5th day of August, 2009, to:

26 Clerk of the Court
Maricopa County Superior Court
201 W. Jefferson
Phoenix, AZ 85003

1 **COPIES** of the foregoing electronically delivered via ECF this 5th day of August, 2009, to:

2 Robert R. Jung, 014198
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4 21001 N. Tatum Blvd.,
5 Ste. 1630-725
6 Phoenix, AZ 85050
7 Attorneys for Plaintiff

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By /s/Stacey Tanner